2010 Review Conference of the Parties to the Treaty on the Non-Pr[illegible]liferation of Nuclear Weapons

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Uruguay

Article I

1. Since its accession to the Treaty on the Non-Proliferation of Nuclear Weapons, Uruguay has consistently called on the five nuclear-weapon States recognized by the Treaty not to transfer any such weapons, or control over the same, to non-nuclear-weapon States, and not in any way to encourage any non-nuclear-weapon State to manufacture or acquire such weapons. Uruguay will continue to do so in all international forums addressing disarmament, non-proliferation and arms control.

2. Uruguay values the Treaty as the cornerstone of the disarmament and nuclear non-proliferation regime. The very existence of nuclear weapons threatens the survival of humanity, and use of such weapons would have catastrophic consequences. The only way to make sure that no State uses or threatens to use them against non-nuclear-weapon States is to totally eliminate such weapons.

Article II

3. Uruguay complies faithfully and strictly with the obligation set forth in article II. The Treaty was ratified by Parliament by Act No. 13.859 of 4 June 1970 and as a State party, Uruguay has undertaken not to receive the transfer — from any transferor whatsoever — of nuclear weapons, or control over such weapons, and not to manufacture or acquire nuclear weapons.

4. Uruguay has never, at any point during its existence as a nation, received any materials for the manufacture of nuclear weapons or acquired such weapons in order to ensure its survival as a State.

Article III

5. At the time of its accession to the Treaty, Uruguay concluded a safeguards agreement with the International Atomic Energy Agency (IAEA). In accordance

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with article III, paragraph 1 of the Treaty concerning the application of safeguards, Uruguay agreed, back in 1976, to accept safeguards with respect to source and special fissionable materials. The safeguards apply to all nuclear activities for peaceful purposes taking place on Uruguayan soil. Their objective is to ensure that such materials are not diverted to produce nuclear weapons or other nuclear explosive devices. The Agreement was ratified by Decree-Law No. 14.541 of 20 July 1976.

6. In addition, Uruguay is a State party to an agreement — concluded pursuant to article 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) — which states that the provisions of the Safeguards Agreement apply to Uruguay also by virtue of its belonging to the nuclear-weapon-free zone of Latin America.

7. In order to further strengthen the IAEA safeguards regime as an effective measure to counter the proliferation of nuclear weapons, the country ratified Act No. 17.750 of 2004 enacting the Additional Protocol to the Safeguards Agreement between Uruguay and IAEA.

8. With a comprehensive safeguards agreement and an additional protocol, IAEA is in a position to adopt annually the conclusion that no declared nuclear materials are being diverted and that there are no undeclared nuclear materials or activities on Uruguayan territory.

Article IV

9. Uruguay reaffirms that one of the three pillars of the Treaty on the Non-Proliferation of Nuclear Weapons is the inalienable right of all States to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II. Uruguay therefore stresses the role of IAEA in verifying that nuclear energy is used exclusively for peaceful purposes.

10. While emphasizing that inalienable right in various forums, Uruguay has thus far not used nuclear energy to generate electricity, does not have research reactors, and does not use nuclear fuels consisting of uranium or plutonium radioisotopes.

11. Article 27 of Act No. 16.832 of June 1997 prohibits the use of nuclear energy in the national territory, and states that electrical energy providers shall not conclude contracts for the supply of such energy with nuclear power plants or foreign power plants that contaminate the national territory.

Article V

12. Uruguay participates actively and constructively in promoting the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, which it ratified by virtue of Act No. 17.348 of 2001. At the conferences on facilitating the entry into force of the Comprehensive Nuclear-Test-Ban Treaty convened pursuant to article XIV of the Treaty, Uruguay has contributed to the formulation of measures consistent with international law that could accelerate the process of ratification, thereby facilitating the timely entry into force of the Treaty and ridding the world of nuclear tests.

13. Nine of the States listed in Annex 2 to the Comprehensive Nuclear-Test-Ban Treaty must ratify the Treaty in order for it to enter into force. At the various international regional forums, Uruguay has continued to encourage those States to ratify the Treaty without delay. Such action would allow that vitally important and legally binding instrument on disarmament and non-proliferation to become a reality once and for all.

14. Uruguay continues to call on all States to refrain from nuclear testing or carrying out any nuclear explosion. States should maintain the existing moratoriums in that regard, and should refrain from any action contrary to the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty. However, Uruguay believes that those measures would not have the same permanent and legally binding effect as the entry into force of that Treaty. A legally binding regime with an international monitoring system comprising seismological, hydroacoustic and infrasound monitoring as provided for by the Treaty would be the best guarantee for the verification of such explosions.

Article VI

15. As a State party to the Treaty on the Non-Proliferation of Nuclear Weapons, Uruguay is fully committed to pursuing negotiations in good faith leading to the cessation of the nuclear arms race, and supports all initiatives aimed at general and complete disarmament under strict and effective international control. In addition to drawing on the staunchly pacifist orientation of its foreign policy, Uruguay bases that view on the advisory opinion of the International Court of Justice concerning the legality of the threat or use of nuclear weapons, which unanimously stresses the obligation to pursue in good faith negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

16. In the General Assembly, Uruguay has supported the resolution concerning the Convention on the Prohibition of the Use of Nuclear Weapons, which requests the Conference on Disarmament to commence negotiations in order to conclude that important instrument. Uruguay is convinced that a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would help to dispel the nuclear threat and create a climate conducive to negotiations aimed at the total elimination of nuclear weapons throughout the world.

17. Uruguay is therefore firmly convinced of the need to reduce the prominence of nuclear weapons in the strategic and political security doctrines of nuclear-weapon States and of States not yet parties to the Treaty. Such action would minimize the risk of such weapons being used.

18. In the General Assembly, Uruguay supports all measures to lower the operational readiness of nuclear-weapon systems. Maintaining nuclear weapons in a state of high alert was a hallmark of cold war nuclear postures. Although that period has come to an end, thousands of nuclear weapons remain in a state of high alert and are ready for immediate deployment.

19. Uruguay is one of many States that have pressed for negotiations in the Conference on Disarmament towards a fissile material cut-off treaty. The country has called on all nuclear-weapon States and States not yet parties to the Treaty to maintain moratoriums on the production of fissile materials for any form of nuclear

weapons or other nuclear explosive devices, pending the entry into force of a fissile material cut-off treaty.

20. As a member of the Board of Governors of IAEA, Uruguay calls for the improvement of the Agency's safeguards regime; the universalization of IAEA comprehensive safeguards agreements and the Model Additional Protocol; and the full implementation of the relevant Security Council resolutions, including resolution 1540 (2004).

21. Uruguay firmly supports the adoption of additional measures conducive to nuclear disarmament in accordance with article VI of the Treaty. Any nuclear disarmament measures must comply with the principles of transparency, irreversibility and verifiability.

Article VII

22. As a State party to the Treaty of Tlatelolco, which established the first nuclear-weapon-free zone in the world, Uruguay calls on all States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories. Nuclear-weapon-free zones contribute to the promotion of nuclear disarmament.

23. Uruguay urges all nuclear-weapon States, as a matter of priority, to sign or ratify the protocols to the treaties establishing nuclear-weapon-free zones. Uruguay calls on those States to withdraw or amend reservations or unilateral interpretive declarations that affect the denuclearization of any zone.

24. The establishment of a nuclear-weapon-free zone in the southern hemisphere continues to be a priority objective for Uruguay. It therefore welcomes the Antarctic Treaty, the Treaty of Tlatelolco, the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (Bangkok Treaty) and the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), which are helping to rid the southern hemisphere and the relevant adjacent areas of nuclear weapons.

25. Uruguay urges nuclear-weapon States to provide other States with effective assurances that they will not use, and will not threaten to use such weapons against them. Uruguay complies with the commitments enshrined in Security Council resolution 984 (1995) and the legally binding negative security assurances contained in the relevant protocols of the instruments establishing nuclear-weapon-free zones. Uruguay calls on nuclear-weapon States to conclude a treaty on universal, unconditional and legally binding security assurances for non-nuclear-weapon States.

26. Uruguay believes that it is vitally important to establish of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, in accordance with the Final Document of the 2000 Review Conference. At the 2010 Review Conference, the nuclear-weapon States should cooperate closely with the States of the Middle East in order to agree on a phased plan of action to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East.

Article VIII

27. Uruguay believes that the current global situation can contribute to a satisfactory outcome for the 2010 Review Conference. It notes with approval the renewed interest in nuclear disarmament expressed by international leaders during the Security Council summit on nuclear non-proliferation and nuclear disarmament held on 24 September 2009. It welcomes the outcome of the third session of the Preparatory Committee of the 2010 Review Conference, which made it possible to adopt the provisional agenda and organize the work of the Review Conference.

28. Uruguay understands that the final document of the 2010 Review Conference should build on the positive results of the 1995 and 2000 Review Conferences. It should contribute significantly to the practical implementation of the Final Documents of both conferences; promote the objective of a nuclear-weapon-free world; strengthen the Treaty on the Non-Proliferation of Nuclear Weapons in all its aspects; and contribute to the universality and full implementation of the Treaty.

Article IX

29. Uruguay remains convinced of the importance of universalizing the Treaty and strengthening and consolidating the multilateral nuclear disarmament and non-proliferation regime. The fact that the Treaty is not yet universal highlights and emphasizes more than ever before the need to fully implement the Final Documents of the 1995 and 2000 Review Conferences, including the decision to extend the Treaty indefinitely.

30. Uruguay continues to call on India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States in accordance with article IX. Uruguay believes that in order to preserve the credibility of the Treaty and its indefinite extension, the 2010 Review Conference should agree on an effective plan of action to ensure universal accession to the Treaty, and determine a series of practical measures towards that goal.

31. Uruguay firmly supports the six party talks with the Democratic People's Republic of Korea, and hopes that the process will lead that country to go back to being a State party to the Treaty, and, that it will consequently meet its obligations under the Treaty, and resume cooperation with IAEA.

Article X

32. Uruguay helped — as did all the other States parties to the Treaty — to bring about the indefinite extension of the Treaty in accordance with article X.

33. Uruguay recognizes that each State party has the right, in exercising its national sovereignty, to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interests of its country. Article X recognizes that such cases are particularly sensitive, and provides that notice of withdrawal should be given to all other States parties to the Treaty and to the Security Council, including a statement of the extraordinary events that the State regards as having jeopardized its supreme interests.

34. There are two positions on the matter. The first is that withdrawal from the Treaty does not allow the State to cease compliance with the obligations contained therein. The legal basis for that view is article 70 of the Vienna Convention on the Law of Treaties, which provides that withdrawal from a treaty does not absolve the State party from any obligation it had prior to exercising its right to withdrawal. According to that position, a State that withdraws from the Treaty cannot use nuclear materials that were acquired for peaceful purposes while the State was subject to the non-proliferation assurances arising from the Treaty. It follows that States parties to the Treaty should confirm that nuclear materials, equipment and technology acquired by a State for peaceful purposes would remain subject to peaceful use obligations even if the State withdrew from the Treaty.

35. The second position is that the right to withdraw is recognized by the Treaty, and that proposals to reinterpret article X require close consideration. Any modification of that article constitutes a legal amendment to the Treaty, and must take place in accordance with the procedures set forth in article VII. According to that view, States parties to the Treaty should focus on other matters, such as the universality of the Treaty, rather than on issues pertaining to article X.

36. While recognizing the right to withdraw from the Treaty, Uruguay believes that the legal and political consequences of withdrawal should be defined more precisely. The 2010 Review Conference provides a unique opportunity to do so.